

# MINUTE ORDER

CASE NUMBER: CIVIL NO. 16-00555 LEK-KJM

CASE NAME: Kenneth Lake, et al. vs. Ohana Military Communities, et al.

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JUDGE: Leslie E. Kobayashi

DATE: 08/29/2019

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COURT ACTION: EO: COURT ORDER REGARDING STIPULATION  
SUBMITTED ON AUGUST 27, 2019

On May 22, 2019, Defendants Ohana Military Communities, LLC and Forest City Residential Management, LLC (“Defendants”) filed their: Motion for Summary Judgment No. 1 based upon Plaintiffs’ Inability to Prove a Required Element of their Claims (“Motion 1”); Motion for Summary Judgment No. 2 based upon Plaintiffs’ Inability to Prove Damages (“Motion 2”); and Motion for Summary Judgment No. 3 Addressing Specific Counts and Plaintiffs (“Motion 3”). [Dkt. nos. 145 (Motion 2), 147 (Motion 3), 150 (Motion 1).] On August 8, 2019, an entering order was issued informing the parties of the Court’s rulings on Motion 1 and Motion 2 (“8/8/19 EO Ruling”). [Dkt. no. 181.] The 8/8/19 EO Ruling states that a written order will be issued which will supersede the rulings in the EO. [Id. at 4.]

On August 27, 2019, the parties submitted their Stipulation for (1) Dismissal with Prejudice of All of Plaintiffs Harold Bean and Melinda Bean’s Claims in the First Amended Complaint; and (2) Dismissal with Prejudice of Plaintiffs Kenneth Lake, Crystal Lake, Kyle Pahona, Ryan Wilson, and Heather Wilson’s Eleventh Claim for Relief (Nuisance), to the Extent the Claim Is Based upon Construction Dust Generally (“Stipulation”). The Court DECLINES to approve the Stipulation at this time. However, in light of the parties’ representations in the Stipulation, the following dates and deadlines are HEREBY VACATED:

- the hearing on Motion 3, currently scheduled for September 6, 2019, at 9:45 a.m.;
- the trial date, currently scheduled for October 21, 2019, and the final pretrial conference before the magistrate judge, currently scheduled for September 10, 2019, at 9:45 a.m.; and
- all unexpired deadlines in the Amended Rule 16 Scheduling Order, [filed 9/13/18 (dkt. no. 106)].

The parties are DIRECTED to submit a revised version of the Stipulation after the written order regarding Motion 1 and Motion 2 is filed.

IT IS SO ORDERED.

Submitted by: Theresa Lam, Courtroom Manager